



Administrative Policies and Procedures: 32.5

Subject:	Uses and Disclosures for Research
Authority:	Health Insurance Portability and Accountability Act (HIPAA) of 1996; TCA 37-5-105, 37-5-106
Standards:	DCS Practice Model Standard: 7-102A, 7-120C
Application:	To All Department of Children's Services Employees

Policy Statement:

DCS may use or disclose protected health information (PHI) about clients for research purposes consistent with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy rule in accordance with this policy and State and Federal laws.

Purpose:

To outline procedures for compliance with the HIPAA Privacy Rule for use or disclosure of PHI for research purposes with and without an individual's authorization, and to identify some allowable use and disclosure of PHI when DCS is acting as a Public Health Authority.

Procedures:

A. General information	<p>2. DCS may use or disclose a client's PHI for research purposes as specified in this policy. When DCS uses or discloses a client's information for research purposes, the following must be considered:</p> <ul style="list-style-type: none">a) All such research disclosures are subject to applicable requirements of state and federal laws and regulations and to the specific requirements of this policy. <p>Note: This policy is intended to supplement existing research requirements of the Common Rule, 45 CFR Part 46. The Common Rule is the rule for the protection of human subjects in research promulgated by the U.S. Department of Health and Human Services, and adopted by other federal governmental agencies, including the National Institutes for Health, for research funded by those agencies. In addition, some agencies have requirements that supplement the Common Rule that are applicable to a particular research contract or grant.</p> <ul style="list-style-type: none">b) De-identified PHI may be used or disclosed for purposes of research, consistent with DCS policy <u>32.7, De-identification of Client PHI and Use of Limited Data Sets</u>.c) A limited data set may be used or disclosed for purposes of research, consistent with the policies related to limited data sets in DCS policy <u>32.7, De-identification of Client PHI and Use of Limited Data Sets</u>.
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	<p>d) DCS may also conduct agency studies on their own, conduct studies that are required by law, or studies or analysis related to its program operations.</p> <p>2. DCS must obtain authorization for uses or disclosures of a client's PHI for research purposes not addressed in <i>Section A. 1</i>.</p> <p>3. DCS shall document all analysis resulting from the use of PHI for at least six (6) years in written or electronic format</p>
B. Responsibilities of the DCS Research Review Committee	The DCS Research Review Committee shall perform the duties and functions specified in this policy regarding research projects in whole or in part, pursuant to <i>45 CFR Part 46</i> and DCS policy 1.33, Research Proposals .
C. Specific requirements regarding uses and disclosures for research	<p>1. DCS may use or disclose client PHI for research purposes with the client's specific written authorization.</p> <p>2. The authorization must meet all the requirements described in DCS policy 32.3, Use and Disclosure of Protected Health Information, and may indicate as an expiration date such terms as "end of research study," or similar language.</p> <p>3. An authorization for use and disclosure of client PHI for a research study may be combined with any other type of written permission for the same research study.</p> <p>4. If research includes treatment, the researcher may condition the provision of research related treatment on the provision of an authorization for use and disclosure for such research.</p>
D. DCS studies and analysis related to health care operations	Studies and data analyses conducted for internal operations and quality assurances and to comply with reporting requirements applicable to federal or state funding requirements fall within the uses and disclosures that may be made without client authorization as DCS health care operations.

Forms:	None
Collateral documents:	<i>Department of Health and Human Services - Title 45 Part 46 Protection of Human Subjects (45 CFR Part 64; 45 CFR 164.512)</i>